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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**3:19-cr-00122-MO**

**v.**

**GOVERNMENT’S SENTENCING  
MEMORANDUM**

**VASILII VASILYVICH BARBIYERU, JR.,**

**Defendant.**

**Introduction**

Defendant threatened to commit a mass shooting at a college that denied him admission, traumatizing several administrators and faculty members. This was a credible threat, and was all the more disturbing because defendant’s pattern of behavior indicated he would act on it and kill several students. Defendant should receive a 10-month sentence. There are no sentencing guideline disputes, so the only issue is the appropriate sentence under 18 U.S.C. § 3553(a).

## **Factual Background**

### **A. The Offense Conduct and Defendant's History**

In October 2017, defendant sent an email to several staff members at Deep Springs College, threatening to “shoot up your school” and “kill some college students.” The email was specific and gravely disturbing to those who received it. He told the recipients they could call the police and the FBI, but that he was not concerned with his self-preservation. Defendant had previously been denied admission to the college, and became obsessed and angry about it. In the threatening email, he told them to read his admissions essay, which he said would be the “manifesto the news outlets will read while you’re grieving your dead students.”

Two days earlier, defendant posted “I plan on shooting up Deep Springs College” on the 4chan message board, which prompted a visit from the FBI. Defendant had previously sent numerous disturbing emails to the college, and continued to contact the school after he told the FBI he would stop.

In March 2018, while he was on pretrial release for state charges, defendant made a threatening phone call to Lake Oswego High School. He stated “I’m coming over now and it’s not going to be good,” and threatened to shoot as many students as he could. During the lengthy call, he said he likes school shootings and mass shootings, and mentioned several notorious mass shootings, guns, chemical weapons, and weapons of mass destruction. Officers confirmed that he had searched for “guns stores near me” on his mobile phone the same day. Investigators also found a photo of the defendant with a cropped picture of an AR-15 rifle. Defendant has a history of threatening behavior, which includes being expelled from middle school for threatening another student with a knife.

**B. The Charges**

Defendant was charged with one count of sending a threatening interstate communication, in violation of 18 U.S.C. § 875(c).

**C. The Plea Agreement & Guideline Computations**

Defendant pleaded guilty. The government will, subject to the limitations set forth in the agreement, recommend that defendant receive a two-level reduction for acceptance of responsibility. Consistent with the plea agreement, the government will also recommend a sentence at the low end of the advisory guideline range.

The parties agree with the following PSR computations:

<b>Enhancement</b>	<b>Government's Position (not contested)</b>
Base Offense Level— USSG § 2A6.1(a)(1)	12
More than two threats USSG § 2A6.1(b)(2)	+2
Acceptance of responsibility— USSG § 3E1.1	-2
<b>Total Offense Level</b>	<b>12</b>
<b>Resulting Guideline Range</b>	<b>10-16 months</b>

**Argument****A. Government's Recommended Sentence**

Defendant's threat to commit a mass shooting at a residential college was harrowing. It is even more disturbing because it is not an isolated threat. He threatened and harassed the college multiple times for approximately two years, and then went on to call in a terrifying threat to Lake Oswego High School. That threat sent the high school and a neighboring middle school into "lock out" status, which alarmed students and parents. Although defendant has no prior

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criminal convictions, his conduct, history and characteristics demonstrate a serious risk to the safety of others.

The Court should impose a sentence of 10-months imprisonment. This will justly punish defendant for his dangerous and disturbing conduct, and hopefully deter him and others from threatening people in the future. The Court should also impose all the recommended conditions of supervised release to protect the victims, and to help defendant get the mental health treatment and other assistance he needs to lead a productive and law-abiding life in the future.

### **Conclusion**

Based on the foregoing, the government recommends that this Court impose a sentence of 10 months imprisonment, followed by a three year term of supervised release, and a special assessment in the amount of \$100.

Dated: November 13, 2019

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

*/s/ Hannah Horsley*

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